



May 23, 2016

Ms. Jackie Buttle
Regulations Coordinator
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

RE: Hazardous Materials: Motor Vehicle Brake Friction Material, R-2014-01, Z-2016-0329-04

Dear Ms. Buttle:

On behalf of the more than 500,000 businesses in the auto care industry, the Auto Care Association (the "Association") appreciates the opportunity to comment on the proposed regulatory text for the reduction of certain friction-related materials in motor vehicle brakes. This law and subsequent regulation will dramatically affect the production of motor vehicle brakes in the future and it is critical that manufacturers, distributors, retailers, and professional service technicians have clear guidelines for the implementation of this law.

Background

The Auto Care Association is the voice of the \$300 billion plus auto care industry. We provide advocacy, educational, networking, technology, market intelligence and communications resources to serve the collective interests of our members. Replacement brake parts for motor vehicles continue to be the top selling items in the auto care industry. Therefore, this regulation is vital moving forward.

The draft regulatory text outlines many of the central points agreed upon by the Department of Toxic Substance Control (DTSC) and the motor vehicle industry. However, while it is clear how manufacturers should proceed with compliance measures, the text omits a central priority outlined in the law relative to the availability of replacement brakes for legacy vehicles. Therefore, the draft should be revised to include a section emphasizing a section within the law that provides for exemptions for certain brakes that may be sold in the state of California.

Parts Exemption Clarification

The Association needs the regulatory text to include language making it clear that sections 25250.55 (g) and (h) of the public law will apply to DTSC's enforcement of the motor vehicle

brake friction material law. These sections outline limited exemptions for certain brake friction materials manufactured by both original equipment suppliers and aftermarket manufacturers. The law was explicit in exempting brake friction materials that apply to vehicles manufactured prior to 2021 for the 2021 provision and again for vehicles manufactured prior to 2025 for the 2025 provision. Therefore, DTSC should be equally as explicit in its regulatory text regarding enforcement of this portion of the law.

Reasoning

The exemptions outlined in the law are critical for the continued safety of drivers operating vehicles manufactured prior to both 2021 and 2025. The millions of vehicles on the roads in California are currently operating using brake systems built and designed to function with brake friction materials that meet the laws in place at the time the vehicles were manufactured. Those brake systems require replacement brake parts that meet those same standards in order to maintain proper functionality, reduce brake system failures, and ensure safe stopping.

The current average age of a vehicle on the road has reached nearly 12 years since its original manufacture release. Therefore, a vehicle built in 2016 will most likely still be in operation long after brake friction standards for the 2021 and even 2025 go into effect. In order to keep those vehicles functioning safely, DTSC must make it clear that the proper replacement brake parts will continue to be available for those legacy applications.

Section 25250.55 of the California statute that authorized this rulemaking was clear that brakes manufactured for pre-2021 and 2025 vehicles should continue to be available at the same time that the new brake material is being sold for later model vehicles. By adding in language to the regulatory draft outlining the exemptions required by law, DTSC will be making it clear that it wants to avoid any adverse public safety effects caused by their enforcement of the brake friction material law.

Conclusion

We appreciate DTSC working closely with the auto care industry on this law and subsequent regulatory text. As an extension of those efforts, the Auto Care Association, along with the auto manufacturers, Motor Equipment Manufacturers Association, and various State bodies, have entered into a memorandum of understanding with the Environmental Protection Agency to expand the brake friction material laws from both Washington State and California to the rest of the country. In order to maintain consistency in that practice, it is important that the California regulatory text reiterate the limited exemption provided in the law.

Thank you again for the opportunity to comment on the proposed regulatory text outlining the necessary compliance measures for brake friction material manufacturers. If DTSC has any questions regarding our comments, please contact Sheila Andrews at 301-654-6664.

As brake manufacturers work to the develop alternative brake friction materials, however, vehicles manufactured prior to 2021 and again in 2025 will need to continue to be built with brake systems that meet existing friction material laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Lowe". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Aaron Lowe
Senior Vice President, Government and Regulatory Affairs